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New York

President:	Ms. Wronecka	(Poland)
Members:	Bolivia (Plurinational State of)	Ms. Córdova Soria
	China	Mr. Zhang Dianbin
	Côte d'Ivoire	Mr. Djédjé
	Equatorial Guinea	Mr. Ndong Mba
	Ethiopia	Ms. Guadey
	France	Mrs. Gueguen
	Kazakhstan	Mr. Temenov
	Kuwait	Mr. Alfassam
	Netherlands	Mrs. Gregoire Van Haaren
	Peru	Mr. Meza-Cuadra
	Russian Federation	Mr. Kuzmin
	Sweden	Ms. Schoulgin Nyoni
	United Kingdom of Great Britain and Northern Ireland	Mrs. Dickson
	United States of America	Mr. Simonoff

Agenda

The situation in Libya

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Prosecutor Bensouda.

Ms. Bensouda: I thank the Security Council for this opportunity to present my latest report on my Office's activities in relation to the situation in Libya. Before I do so, allow me to congratulate the Republic of Poland for holding the presidency of the Security Council during the month of May, as well as to thank you, Madam President, for presiding over today's briefing.

In 2017, I announced before the Council that Libya is a priority situation for my Office. I am pleased to inform members that since I last reported, in November 2017 (see S/PV.8091), my Office has made significant progress, including a return to investigations on the ground in Libya. Despite that progress, significant challenges remain, including ongoing conflict and insecurity throughout Libya, which have had an adverse impact on our ability to progress swiftly with our investigations. That ongoing conflict and instability continue to create fertile ground for violence and, regrettably, the commission of atrocities. Hence, I welcome the efforts of stakeholders in Libya to hold broad-based inclusive consultations aimed at breaking the long-drawn-out political stalemate, in an effort to stabilize and bring an end to conflict in Libya.

The efforts of those who continue to sow the seeds of further violence and discord are, first and foremost, at the expense of the suffering Libyan people. I express my condemnation of the recent double suicide bombing of the headquarters of the Libyan High National Election Commission in Tripoli a few days ago, on 2 May, which reportedly resulted in the deaths of at least 15 people and injured many others.

Surely, accountability for the grave and destabilizing crimes under the Rome Statute and full respect for the rule of law are integral to sustainable peace, stability and development in Libya. My Office continues to do its part within the four corners of its mandate, notwithstanding the challenges inherent in undertaking our investigations and prosecutions in a situation of ongoing conflict, as is the case in Libya. I am pleased to report that, on the strength of our resolve and commitment, we are steadily progressing in our investigations into not only crimes committed in 2011, but also more recent and ongoing crimes.

As the Council is aware from previous reports, due to security considerations, my Office had not conducted investigative missions in Libya for over five years. During that time, my Office sought innovative ways to continue its investigations and, as a result, secured successes. Nevertheless, not being able to investigate on the ground in Libya was far from ideal. We have remained committed to sending our investigators to Libya and have looked for every opportunity to do so. I am therefore pleased to report that, in March 2018, members of my Libya team travelled to the country for our first mission on Libyan territory since June 2012.

That recent visit to Libya marks significant progress in my Office's investigative activities. The value of the opportunity to work in the territory where alleged crimes have been, or are being, committed cannot be overemphasized. I am confident of the prospect of future missions to Libya that will offer renewed hope of more rapid progress in our investigative activities.

I would be remiss if I did not take this opportunity to express my deep appreciation to the Libyan Prosecutor-General's office for facilitating the mission in March and hosting my team. The visit would also not have been possible without the invaluable logistical support of the United Nations Support Mission in Libya (UNSMIL), and in particular the support of the Special Representative to the United Nations Secretary-General and Head of UNSMIL, Mr. Ghassan Salamé, whom I had the privilege to personally meet on the margins of the Munich Security Conference in February. I am most grateful to him and his staff for their invaluable support and concrete assistance. I look forward to continued constructive collaboration with those key partners in Libya.

I equally take this opportunity to invite the Council to engage further with my Office to identify areas on which we can work together to advance the trinity of peace, justice and stability in Libya, within our respective and complementary mandates.

As the Council is aware, three public warrants issued in the Libya situation remain outstanding. Most recently, on 15 August 2017, Pre-Trial Chamber I issued a public warrant of arrest against Mahmoud Mustafa Busayf Al-Werfalli for his alleged role in committing or ordering seven executions that resulted in the murder of 33 people. The executions were filmed and graphically depicted in videos posted on social media.

The arrest warrant against Mr. Al-Werfalli demonstrates my Office's commitment and capacity to quickly and effectively respond to alleged crimes that are increasingly being committed, as a result of social media, before our eyes. Investigators and prosecutors working under my supervision are able to gather and analyse evidence and, where reasonable grounds exist, apply for a warrant within a short period. The expeditious issuance of public warrants can be essential in circumstances where a deterrent effect may be achieved.

However, that desired deterrent effect can go only so far. Greater deterrence can be assured only through the arrest and surrender of suspects to the International Criminal Court (ICC) so that they may answer the charges against them. That is critical. The case of Mr. Al-Werfalli demonstrates the crucial importance of the timely arrest and surrender of individuals subject to ICC warrants of arrest. The Council is certainly aware that, despite being the subject of an ICC arrest warrant, Mr. Al-Werfalli remains at large and appears to have continued to act as a commander in the Al-Saiqa Brigade. Regrettably, there are now credible allegations that, in the period since the warrant was issued, he has committed further murders, which may be prosecuted by my Office as war crimes under the Rome Statute.

Since the issuance of the warrant, last year, I have repeatedly called on the Libyan national authorities to comply with their obligation to arrest and surrender Mr. Al-Werfalli to the ICC. I have also specifically called on General Khalifa Haftar, Commander of the Libyan National Army (LNA) and superior of Mr. Al-Werfalli, to cooperate with the Libyan authorities to enable and facilitate his arrest and surrender. ICC suspects who are indicted with charges of grave crimes under the Rome Statute cannot be sheltered or given refuge. They must be apprehended and face justice before the Court so that their guilt or innocence can be established. The Libyan people deserve answers. The victims of atrocity crimes in Libya deserve to have justice done and see that it is genuinely done. I have also appealed to all States, including members of the Council, to assist in effecting Mr. Al-Werfalli's immediate arrest and surrender to the Court.

That notwithstanding, to date Mr. Al-Werfalli has not been surrendered to the Court. What is further troubling is that, on 24 and 25 January, photographs and video footage emerged on social media that appeared to depict Mr. Al-Werfalli brutally murdering 10 people in front of the Bayat Al-Radwan Mosque in Benghazi. At the time of their deaths, those people were blindfolded, with their hands tied behind their backs. That horrific execution was reportedly carried out in retaliation for the equally horrific bombing carried out by unknown perpetrators at the same mosque the day before. Those two bombings resulted in the killing of at least 34 people, including children, and the wounding of more than 90 others. Those are all terrible crimes.

As I made clear in my public statement on 26 January, the bombings in front of the Bayat Al-Radwan Mosque, as well as the execution of 10 persons in apparent retaliation, demand condemnation from us all. They also demand action to prevent further atrocities that claim the lives of Libyan citizens. My Office continues to closely monitor the volatile situation in Libya, including in and around Benghazi. I will not hesitate to file new applications for warrants of arrest in relation to the Libya situation, including crimes in Benghazi, where there are reasonable grounds to believe that crimes within the jurisdiction of the Court have occurred, and the evidence supports such action.

The LNA has claimed that it is investigating Mr Al-Werfalli in relation to this most recent execution. In August 2017, the LNA also publicly stated that it was investigating Mr. Al-Werfalli for the alleged executions that are included in the ICC warrant of arrest. In the light of the additional murders allegedly committed by Mr. Al-Werfalli, which were filmed and shown on social media, those claims simply do not appear credible.

In my report to the Council in November 2017, I expressed my concern that the continued failure to secure the arrest and surrender of ICC suspects in Libya emboldened those already committing crimes.

Mr. Al-Werfalli's immediate arrest and surrender is now more important than ever, not only for him to answer for his alleged crimes but to also send a clear message to would-be perpetrators that such reprehensible crimes will not be tolerated and that there will be real consequences for the commission of such crimes.

I repeat my call to the Council to engage with my Office and lend its support in assisting with strategies for the arrest and surrender of ICC fugitives in Libya. Once again, I appeal to all States, including members of the Council, the Libyan authorities and the LNA, to facilitate Mr. Al-Werfalli's immediate arrest and surrender to the Court.

Turning to the other Libyan cases, reports about Saif Al-IslamAl-Qadhafi's whereabouts have appeared in the media. Those reports often present conflicting accounts about whether or not he continues to be detained in Libya. Regardless of Mr. Al-Qadhqri's custodial status, I take this opportunity to reiterate that the ICC warrant of arrest against him remains outstanding and that Libya continues to be under an obligation to immediately surrender him to the Court. I call on the Libyan authorities to take all the necessary steps to have Mr. Al-Qadhafi surrendered to the Court, in accordance with Libya's international legal obligations, the Court's rulings and repeated calls by members of the Council.

The warrant of arrest against Al-Tuhamy Mohamed Khaled, former head of the Libyan Internal Security Agency, also remains outstanding. That warrant was issued in April 2013, and made public in April 2017. Despite efforts by my Office, in cooperation with other organs of the Court, Mr. Khaled remains at large. Without assistance and reliable information from States, persons or other entities in a position to assist, it will be difficult to ensure his surrender to the Court. Without arrests, both the cause of international criminal justice in Libya and the very raison d'être of resolution 1970 (2011) will be undermined.

Cooperation remains a cornerstone of the Rome Statute legal framework and the effective functioning of the Court. My Office continues to engage with States and relevant organizations to exchange information, where possible, and assist national authorities carrying out investigations and prosecutions of crimes relating to Libya. That is in the spirit of complementarity as enshrined in the Rome Statute, specifically foreseen under paragraph 10, article 93, of the Statute. That approach is also in line with goal 9 of my Office's strategic plan for the period 2016-2018. In our parlance, strategic goal 9 seeks to develop with relevant judicial actors, and with full respect for their respective mandates, a coordinated investigative and prosecutorial strategy to close the impunity gap for Rome Statute and other serious crimes that foster further insecurity in Libya.

Recently, there has been a focus on crimes relating to human trafficking and abuses against migrants. That engagement allows for more collaborative efforts to gather and analyse information and helps identify which of the judicial actors is in the best position to investigate or prosecute alleged crimes. I take this opportunity before the Council to offer the support and expertise of my Office to States and organizations engaged in combating criminality in Libya and across its borders, where a symbiotic relationship in the fight against impunity can be fostered.

In addition to Libya, my Office continues to receive significant support from a number of other States, including Italy, the Netherlands, Tunisia and the United Kingdom, as well as regional and international organizations, such as INTERPOL, and many non-governmental organizations. Cooperation from Libya, State parties and non-State parties, as well as support from the Council, is vital to achieving progress in the cases before the Court and to the rapid progress of our ongoing investigations. The exemplary efforts of a number of States and organizations are worthy of emulation, with the end goal of reversing the trend of violence and impunity for serious crimes in Libya.

Even though my Office is making important progress, significant challenges remain. The volatile security situation in Libya is exacerbated by the ongoing armed conflict among militias in many parts of the country. As I highlighted in my fifteenth report, there continue to be extra-judicial killings, high civilian casualties and the systematic use of arbitrary detention of individuals, who are often subjected to serious violations of human rights. I am also concerned about the large numbers of migrants held in detention centres — whether run by the national authorities or by militias. Migrants are reportedly killed, abused or mistreated while in detention and in transit.

I also remain extremely concerned about the reports of slave auctions in Libya. The fact that such abhorrent acts could occur in the twenty-first century is an insult

to the memories of the victims of bondage of the past and an assault on the oneness of humankind and the historical progress made to eradicate such callous acts. I reiterate that my Office continues to be seized of the Libya situation, and our investigations are ongoing. I also benefit from this occasion to state that we expect we will be in a position to apply for warrants of arrest against other suspects in the near future.

Let me conclude by reiterating my appeal to the Council to demonstrate its commitment to the pursuit of justice in Libya by fulfilling its responsibility to facilitate the provision of financial support, as envisioned under article 115 (b) of the Rome Statute, as well as practical support to my Office. Such support is needed now more than ever as my Office forges ahead with the ever-challenging task of executing its mandate under the Rome Statue, as triggered by the Council in resolution 1970 (2011) approximately seven years ago.

That responsibility includes leveraging the Council's unique authority under international law to ensure the timely execution of the Court's decisions and, in particular, the execution of ICC arrest warrants. Seeking justice for those in Libya who are victims of crimes under the Rome Statute will remain a priority for my Office. We remain determined to fulfil the responsibility the Council entrusted to my Office, with the Rome Statute as our guide. My Office will do its part, but our work alone is not enough. We have a collective responsibility to cultivate a culture of accountability for Rome Statute crimes in Libya and to deter the commission of future crimes. The tragic consequences of a failure to do so are well known to us all. I count on the Council's support and I thank members for their time and attention.

The President: I thank Prosecutor Bensouda for her briefing.

I shall now give the floor to those members of the Council who wish to make statements.

Mr. Temenov (Kazakhstan): We would like to thank the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, for her briefing.

We have taken note of the Prosecutor's fifteenth report and update on activities regarding the situation in Libya, which unfortunately demonstrate that significant challenges remain. According to the report, in the period from January to February, the United Nations Support Mission in Libya documented 248 civilian casualties, which represents a sharp increase as compared to previous months. A substantial number of those causalities were caused by improvised explosive devices, gunfire, remnants of war and shelling.

Ongoing political instability, a fragile security situation and a breakdown in the rule of law have resulted in the widespread abuse of human rights and violations of international humanitarian law. The current security and political situation in Libya continues to create a breeding ground for growing impunity for terrorist groups and armed militias. In that regard, Kazakhstan strongly condemns the 2 May attack on the Libyan High National Elections Commission in Tripoli, for which the Islamic State in Iraq and the Levant claimed responsibility. The perpetrators of such a heinous attack should be held accountable.

We are deeply alarmed about reports of alleged grave crimes relating to the abduction and subsequent execution of members of the military and civil society and political rivals or their family members. We are also concerned about the fact that thousands of migrants and refugees in Libya suffer abuses, trafficking and detention under inhuman conditions.

Lastly, Kazakhstan believes that an effective and credible Government is crucial in bolstering Libya's commitment and capability to restore and promote the rule of law, address impunity, protect basic human rights and provide justice for past violations. To that end, the international community's support to Libya remains vital to restoring stability and security throughout the country. Such stability and security require the unification and reconstruction of all national institutions, including political authorities, security and defence forces. The United Nations and its Support Mission in Libya have a key role to play in that process.

Mrs. Dickson (United Kingdom): I thank the Prosecutor of the International Criminal Court (ICC) for her very clear and concise fifteenth report and her briefing to the Security Council today. The work and focus of the International Criminal Court on Libya is extremely important in tackling impunity and making accountable those responsible for serious crimes of international concern. The Court's work has the full support of the United Kingdom.

The most recent report of the Prosecutor makes clear why the situation in Libya remains deeply troubling. The continued political divisions in Libya have benefited only certain armed groups intent on

criminality. Those groups have created an environment of lawlessness, intimidation and fear. That situation serves to underscore the urgent need to break the political deadlock and bring peace to Libya and its people. It is vital that all parties engage in good faith with the United Nations-led political process.

We must ensure that those who have committed and continue to commit human rights violations and abuses in Libya, including unlawful killings, do not evade justice for their crimes. The United Kingdom has strongly supported resolutions adopted by the Human Rights Council aimed at increasing accountability. We fully endorse the ICC's efforts in parallel. The United Kingdom also reiterates its call for all parties to cooperate with the ICC in relation to the arrest warrant for Mahmoud Al-Werfalli, and for all those committing acts amounting to war crimes and crimes against humanity to be investigated and held accountable, regardless of the side they support. The current cycle of violence and impunity must be stopped.

The recent mission of the Office of the Prosecutor to Libya was an important step in strengthening the focus of scrutiny on those who have acted with impunity. In that regard, we welcomed the cooperation of the United Nations Support Mission in Libya and the Office of the Prosecutor-General in Tripoli with the visiting mission. In the wake of reports of the appalling mistreatment and even enslavement of migrants, we also welcome the Office of the Prosecutor's work with Member States, national authorities and judiciaries, interested European institutions and the Libyan Prosecutor-General's Office to investigate and prosecute such crimes. At the same time, we appreciate the resource constraints under which the Prosecutor is operating in relation to those investigations.

We are grateful for the Prosecutor's update on the cases of Saif Al-Islam Al-Qadhafi, Abdullah Al-Senussi and Al-Tuhamy Mohamed Khaled. We fully support the Court's call for cooperation from the members of the Council, Libya and all States in connection with the individuals who remain at large and are accused of alleged war crimes and crimes against humanity committed in Libya in 2011. It is crucial that Member States and the relevant international organizations work to assist the Libyan authorities in their efforts to build the rule of law in Libya. Together with our international partners, we will continue to work with Libya to provide it with the support that it needs to meet the challenges it faces. At the same time, the United Kingdom, as a strong principled supporter of the ICC, will continue to provide its full support to the Prosecutor and her team.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): First and foremost, I would like to wish our colleagues a happy Victory Day, which marked the beginning of the foundation of our Organization 73 years ago.

Concerning the International Criminal Court (ICC) and Libya, the situation in Libya remains complex. We believe that the path to national reconciliation and restoring the country's unity and State institutions lies in a broad intra-Libyan dialogue. Russia supports the efforts to advance the political process, which should be coordinated under the auspices of the United Nations. We hope that the action plan for Libya developed through the United Nations will be implemented effectively.

We take note of the fifteenth report of the Prosecutor of the International Criminal Court on the investigations of the situation in Libya, as well as the fact that during the reporting period, members of the Office of the Prosecutor of the ICC visited Libya for the first time in five years to conduct investigative activities. That is in fact the most noteworthy event mentioned in the report. There have otherwise been no substantive changes, unfortunately. The work of the ICC remains selective in its approach. Every arrest warrant issued has been directed at people from Muammar Al-Qaddafi's circle. Not one case dealing with the alleged crimes committed by insurgents and terrorists has been initiated so far. The ICC long ago distanced itself from investigating issues related to civilian casualties resulting from the NATO strikes. The Court continues to worry about the army's operations in the Derna area, but for some reason the Prosecutor has said nothing about the mujahidin, who for all practical purposes are holding the local population hostage.

The report once again draws attention to the catastrophic situation of refugees and migrants in Libya. There can be no question that more attention should be paid to combating the criminal networks that are linked to the illegal migration through Libya. We completely agree, but that situation should be approached comprehensively, including by identifying the purchasers of human commodities in the countries of destination that receive migrants.

We feel that once again the report attempts to present the Libyan dossier as a kind of burden imposed on the Court by the Security Council. We believe that

with an attitude like that, using the services of the Court is pointless. Our delegation is determined to do whatever is necessary to enable the members of the Council to avoid repeating the unsuccessful experiment of referring Security Council issues to the ICC.

Mr. Meza-Cuadra (Peru) (*spoke in Spanish*): We are grateful for the convening of this meeting and the briefing by Prosecutor Fatou Bensouda.

Peru notes with deep concern the continued violence and serious human rights situation in Libya, which have led to a serious humanitarian crisis, with more than 150,000 internally displaced persons and numerous accusations of atrocity crimes. We believe that, in line with its primary responsibility for maintaining international peace and security, the Security Council should refer to the International Criminal Court cases in which access to justice and accountability must be ensured, and we therefore support the work that the Court is doing in Libya. It is clearly complex and requires the full cooperation of all States, including the local authorities. Accordingly, while we acknowledge the efforts of the Libyan Prosecutor-General's Office, we should remind the Libyan authorities of their duty to execute arrest warrants issued by the Court.

We also believe that, while the International Criminal Court plays a fundamental role in ensuring that the most serious crimes do not go unpunished, its jurisdiction is complementary to the responsibility of every State to protect its people. That includes the obligation to investigate, prosecute and punish those responsible for atrocity crimes. In that regard, in addition to constituting a legal obligation, the authorities' cooperation with the Court must be seen as an opportunity to strengthen justice and the rule of law in domestic and international areas. That means fostering greater confidence in legal institutions and effective deterrence. Confidence in the justice system and predictability in its response to atrocity crimes is of particular relevance for a country like Libya, which is affected by conflict and terrorism committed by organizations — such as Da'esh and its affiliates and Boko Haram — that control parts of Libya and are allegedly involved in trafficking migrants.

Peru believes that it is essential to advance implementation of the United Nations action plan on an inclusive political process in Libya as quickly as possible. In the immediate future, that means ending the current cycle of violence and working on concrete measures to effectively protect the people, especially the civilian population, as well as confronting terrorism in all its forms and manifestations. We believe that such action must be predicated on discussions between the High Council of State and the House of Representatives, as well as through the good offices of the United Nations Support Mission in Libya throughout the process. Good faith, a spirit of mutual understanding and respect for international law and international humanitarian law must prevail among the parties.

In conclusion, I would like to highlight the work of the new Special Representative of the Secretary-General, Mr. Ghassan Salamé, as well as that of the United Nations Support Mission in Libya, whose support in March enabled the Office of the Prosecutor of the International Criminal Court to make its first visit to the country since 2012.

Mr. Simonoff (United States of America): I thank the Prosecutor of the International Criminal Court (ICC) for her briefing on her Office's work pursuant to resolution 1970 (2011) to seek accountability for atrocity crimes committed in Libya.

As we have said many times before in these briefings, those responsible for crimes committed during the 2011 revolution must be held to account. The Security Council unanimously referred the situation in Libya to the International Criminal Court to guarantee that the atrocities of the Al-Qadhafi regime would not go unpunished and that those victims would receive a measure of justice.

Today we reiterate our demand for accountability. We have called for Saif Al-Islam Al-Qadhafi to be brought to The Hague to stand trial for crimes against humanity for the murder and persecution of hundreds of civilians in 2011. We note that the International Criminal Court has also issued an arrest warrant for Al-Tuhamy Mohamed Khaled, the former head of Libya's notorious Internal Security Agency, in connection with the alleged torture and other serious crimes against individuals perceived to be enemies of the Al-Qadhafi regime.

Turning to more recent events, the United States continues to have grave concerns about the human rights situation in Libya. We have noted the International Criminal Court's arrest warrant for Major Al-Werfalli, who has been accused of unlawful killings. We remain deeply concerned by those allegations and reiterate our calls for the relevant Libyan authorities to ensure that

Al-Werfalli is held accountable for alleged crimes, in accordance with international law.

We are also horrified by the appalling reports of human trafficking in an alleged slave market in Libya. We commend the Government of National Accord's condemnation of slavery and welcome its ongoing investigation into reports of abuse of migrants. We urge the Government of National Accord to accelerate its efforts to hold those responsible to account and cooperate closely with the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration to assist migrants and improve their living conditions.

The United States supports ongoing efforts to identify and designate individuals and entities that threaten the peace, stability or security of Libya, including through the commission of serious human rights abuses and violations. In particular, designations of those who engage in migrant smuggling or human trafficking are an important part of the international effort to promote accountability in Libya. To counter those and other abuses in the long-term, Libya must first overcome its political impasse in order to achieve a stable, unified Government capable of ending impunity, defeating terrorism, safeguarding the rule of law and providing security and prosperity for all Libyans.

To that end, we continue to support United Nations Special Representative Salamé as he works to advance political reconciliation and help Libya prepare for free and fair elections by the end of the year that are credible and conducted in a peaceful manner. We look forward to the continued collaboration with our international partners, including through the work and attention of the Security Council and the Human Rights Council, to achieve a peaceful and prosperous Libya.

In conclusion, I would like to reiterate the United States concerns regarding the ICC's activity with respect to the situation in Afghanistan, including our long-standing and continuing principled objection to any ICC investigation or other activity concerning United States personnel absent United States consent or a Security Council referral.

Mr. Alfassam (Kuwait) (*spoke in Arabic*): At the outset, I would like to extend my appreciation to the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her extensive briefing on the fifteenth report of the Prosecutor of the ICC to the Security Council in accordance with resolution 1970 (2011). The State of Kuwait welcomes the efforts of the Court to ensure justice and prevent impunity, in accordance with international law, especially in the light of the difficult situation in Libya. We commend the progress achieved by of the Office of the Prosecutor in confronting the security challenges that impede its endeavours to carry out its responsibilities of monitoring and bringing to justice the perpetrators of crimes, especially given the proliferation of weapons and militias that have come to harm the Libyan people.

In that regard, we share Ms. Bensouda's concern about the recent escalation of armed conflicts in Tripoli, Benghazi, Sabha and Derna. We also express our concern over the information contained in the Prosecutor's report with respect to the perpetration of crimes such as kidnapping and executing military and civilian personnel and members of the competing political factions, targeting the mayor of Misrata, Mr. Mohamed Eshtewi, and committing crimes against migrants. Those are all tantamount to flagrant violations of international humanitarian law. We therefore renew our strongest condemnation of such crimes.

In that regard, the greatest responsibility falls to the Libyan authorities to uphold justice throughout all Libyan territories by exercising their jurisdiction. The ICC should take into the account the national criminal jurisdiction in Libya for cases being considered by Libyan courts in the context of realizing the desired integration between the national judiciary and the ICC, which is a complement to the national criminal jurisdiction, in accordance with article 1 of the Rome Statute.

To that end, we commend the important cooperation that the Libyan authorities provide to the Court and Prosecutor in line with the requirements of resolution 2174 (2014). Furthermore, the State of the Kuwait underscores the importance of the international community's continued support to the Libyan Government with a view to developing a comprehensive strategy to address the heinous crimes committed in Libya and providing the necessary assistance to the Libyan authorities for them to establish the rule of law, administer justice and implement the relevant Security Council resolutions.

While the State of Kuwait recognizes the magnitude of the security challenges facing Libya, which in turn undermine the role of the ICC experts in conducting their investigations, we welcome the field visit by a team

from the Prosecutor's Office to Libya in March. It took place after a hiatus that lasted more than five years. We also value the support provided by the relevant Libyan authorities and the United Nations Support Mission in Libya. Such cooperation will undoubtedly further the effectiveness of the investigations conducted by the Office of the Prosecutor in the discharge of its mandate.

In conclusion, I would like to reiterate our appreciation for the important work being done by the Prosecutor, Ms. Fatou Bensouda, and her Office in carrying out her mandate to investigate the serious crimes committed in Libya. We emphasize the need for the Council to provide its continued support to those efforts.

Mr. Ndong Mba (Equatorial Guinea) (*spoke in Spanish*): Allow me, at the outset, to express my delegation's gratitude to Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for her efforts and courage in the discharge of her duties, as well as for the outstanding briefing she delivered to the Security Council on the fifteenth report on the situation in Libya.

The Republic of Equatorial Guinea strongly condemns the terrorist attack on Libya's High National Election Commission in Tripoli on 2 May, in which approximately 15 people died and several others were injured, including staff members of the Commission and police officers. In that regard, we wish to convey our most sincere condolences to the Libyan people and the families of the victims.

It is clear that, despite the enormous efforts by the United Nations Support Mission in Libya (UNSMIL) and of some local stakeholders working for reconciliation, the security situation in Libya remains serious and unstable. That leads to continued armed clashes among the various factions involved in the conflict, adding to a climate of impunity, extrajudicial executions, widespread arbitrary detentions, trafficking in persons and sale of migrants and ongoing violations of human rights and international humanitarian law. All of that raises grave concerns due to the threat posed to peace and security in the country and beyond its borders. We therefore call on the international community to cooperate in good faith with the International Criminal Court and to redouble efforts to fight this epidemic of crime. We also strongly call on the various factions in the conflict to immediately put an end to this grave situation.

The Republic of Equatorial Guinea expresses its deep concern about the situation prevailing in Libya, as was just detailed and illustrated in Ms. Bensouda's briefing. I should point out that the situation in Libya has serious implications, not only for the entire Sahelo-Saharan region but for other regions of Africa, with the consequent growing wave of terrorist activity and attempts at destabilization. It is therefore obvious that, if a drastic solution is not found to the situation in Libya, the efforts deployed to respond to terrorist actions in western and central African countries will all be in vain, since the root causes of the evils affecting the countries of these regions can be found in Libya due to the support provided to terrorist groups like Boko Haram and other Libyan criminal gangs. That is why my Government strongly calls on the international community to resolutely support Ms. Bensouda in putting an end to the reigning impunity in Libya. We also once again strongly condemn all the criminal activities taking place in this brotherly country.

In conclusion, we welcome and greatly appreciate the work of the Court through the Prosecutor and her Office despite the difficulties she faces. We thank her for the efforts to re-establish justice in Libya. We also express our appreciation to UNSMIL for the major support and cooperation it provides to Ms. Bensouda. That appreciation is extended to the Office of the Libyan Prosecutor General for having facilitated her mission in March.

Ms. Guadey (Ethiopia): We thank Ms. Bensouda for her written report in accordance with resolution 1970 (2011), as well as for her briefing.

The continued violation of human rights committed in Libya by all parties remains a source of concern. The cycle of violence has resulted in the death and the injury of civilians, as well as the destruction of civilian facilities. Abduction, torture, killing and arbitrary detention continue unabated and with a sense of impunity. In addition, illegal armed groups and human trafficking persist, while criminal gangs continue to commit crimes, exploiting and further exacerbating the general climate of lawlessness, as well as the weakness of judicial institutions. Terrorist groups, including elements of the Islamic State in Iraq and the Sham, continue their attacks. This climate of violence and insecurity is hampering the ability of victims to seek protection and justice. We condemn any violence against civilians or civilian facilities.

including the recent terrorist attack on the High National Elections Commission.

We take this opportunity to express our solidarity and sympathy with the people and the Government of Libya. Its civilians, particularly the most vulnerable groups, such as women, children, migrants and refugees, bear the brunt of the violence and suffer enormously. The agony of Libyans must stop. The sense of continued impunity should end. It is important that the international community work together to support Libyans to end the current state of fear and uncertainty. All actors who commit human rights violations and attacks must be held accountable and brought to justice. We also believe that it is vital to end the prevailing sense of impunity through appropriate mechanisms that respect the sovereignty and the territorial integrity of Libya. All Libyan parties should be reminded that the protection of civilians and civilian infrastructure is their responsibility.

While it is the primary responsibility of the Libyans themselves to take all appropriate action to restore peace and security, the international community has an important role to play in supporting their endeavours. In that regard, it is indispensable to continue capacity-building and technical assistance for the State institutions of Libya, particularly judiciary and law enforcement bodies, with the objective of ensuring the rule of law. The international community should also provide comprehensive support anchored in a long-term strategy for the building of State institutions that could foster an environment of peace, security and stability.

It is our conviction that the continued and widespread violation of human rights cannot be stopped sustainably until all Libyan political actors find a lasting political solution for the prolonged transition. In that regard, we reiterate our support for continued diplomatic efforts by the Special Representative and Head of the United Nations Support Mission in Libya, Mr. Ghassan Salamé. We believe it is critical to intensify coordinated and complimentary international efforts to fully implement the United Nations action plan. The reconciliation process should also be further promoted to reinforce the political process, as well as to address community grievances in a manner that could rebuild the social fabric and trust.

Allow me to conclude by underlining that only a comprehensive political process can address the multifaceted crisis in Libya and ensure the rule of law. In that regard, we encourage all Libyans to continue to work together in a spirit of compromise and to continue to engage in the conclusive political process set out in the action plan to bring about concrete results that could facilitate its full implementation. The international community, particularly the Council, should also send a strong and unified message to pressure all parties to stop violence and engage in an inclusive and sustained political dialogue.

Mrs. Gueguen (France) (*spoke in French*): I thank Ms. Bensouda, Prosecutor of the International Criminal Court (ICC), for her report and her briefing.

As we commemorate the twentieth anniversary of the Rome Statute this year, France wishes to acknowledge the contribution of the International Criminal Court to the repression of the most serious crimes. It is our responsibility as members of the Security Council committed to this imperative of justice to support the Court, which, although it has not yet reached its full potential, has made an undeniable contribution to the maintenance of peace and security. That is the case in Libya, and I would like to reaffirm France's support for the Prosecutor concerning the implementation of resolution 1970 (2011), which referred the situation in Libya to the International Criminal Court.

France notes with satisfaction the efforts of the Office of the Prosecutor to carry out its investigations in difficult circumstances. The mission led to Tripoli in March with the help of the United Nations Support Mission in Libya (UNSMIL), a first for the Office of the Prosecutor in five years, constitutes progress, as Ms. Bensouda highlighted earlier this morning.

Given the scale of the challenges facing the Libyan people, the support of the Security Council to UNSMIL is essential. We welcome the personal mobilization of the Secretary-General and the valuable contribution of his Special Representative, Mr. Ghassan Salamé. France fully supports him.

Today it is essential that all Libyan actors truly commit to implementing the Special Representative's action plan. As the Council has repeatedly pointed out, the Skhirat Agreement is the only valid and legitimate framework throughout the transition. Following the initial positive steps in the political process, such as the consultations between the two chambers, which launched a new momentum for dialogue, we must now go further. All actors must remain committed to the national conference and the general elections in

2018. Holding a credible, transparent and democratic electoral process will be a key step in the transition.

As we know, there are still many security, legal and political obstacles. The situation on the ground remains very volatile, as demonstated by last week's cowardly attack, claimed by the Islamic State in Iraq and the Levant, against the headquarters of the Libyan High National Electoral Commission in Tripoli, which we strongly condemned. That is why building a unified national security architecture under civilian authority remains a priority. The status quo is unacceptable. The Libyan people have demonstrated their desire to return to democratic legitimacy in Libya by registering in large numbers on the electoral rolls since the beginning of the year.

Beyond those general observations, I would like to make three more specific remarks on the work of the Office of the Prosecutor.

First, I wish to once again recall that the ongoing investigations by the Office require the complete and full cooperation of all stakeholders. Cooperation with the Court by the Libyan authorities is essential for it to fully carry out its work in accordance with the mandate entrusted to it by the Rome Statute and by the Security Council. It is essential to strengthen cooperation among all the States concerned — whether they are parties to the Rome Statute of the International Criminal Court or not — in order to provide the long-term support that the Office of the Prosecutor needs in order to complete its work. In that regard, the cooperation of the Tunisian, Netherlands, Italian and British authorities and INTERPOL is particularly welcome. The contribution of non-governmental organizations is also valuable and encouraged.

Like Ms. Bensouda, I also wish to express my delegation's appreciation for the support and cooperation provided by UNSMIL and the Libyan General Prosecutor to the Office of the Prosecutor. France particularly welcomes the direct dialogue initiated last February between the Special Representative and the Prosecutor on the margins of the Munich Security Conference.

Secondly, with regard to the sections of the report on the ongoing investigations, France regrets the failure to execute to date the arrest warrant issued by the Court against Mr. Al-Werfalli on 15 August 2017. We express our deep concern over reports that Mr. Al-Werfalli not only is still at large but continues to serve as head of the Libyan National Army's Al-Saiqa Brigade and has been involved in other killings since the warrant for his arrest was issued.

France once again urges the Libyan National Army to transfer Mr. Al-Werfalli to the Libyan authorities as soon as possible so that they can hand him over to the ICC in accordance with their obligations to cooperate with the Court, as provided for in resolution 1970 (2011). That would be an important sign of impartial justice in Libya. France also reiterates its calls for cooperation with the ICC so that Saif Al-Islam Al-Qadhafi and Al-Tuhamy Mohamed Khaled are handed over to the Court without delay.

Thirdly, France welcomes the continued attention of the Office of the Prosecutor to crimes related to human trafficking and the smuggling of migrants, which are a direct threat to peace and stability in Libya. In particular, we note with satisfaction the cooperation begun with the Libyan General Prosecutor to crack down on crimes against migrants. It is encouraging to read in the report that the Libyan General Prosecutor has issued a significant number of arrest warrants for such crimes. The Security Council has repeatedly recalled the importance of perpetrators of such acts being prosecuted and brought to account. The Council must also shoulder its responsibilities by imposing individual sanctions against those who engage in human trafficking and the smuggling of migrants under the existing United Nations sanctions regime. France will continue to mobilize its partners in that regard. France will also continue to act against the smuggling networks and their economic model in Libya and the region as part of the joint statement of 28 August 2017, entitled "Addressing the Challenge of Migration and Asylum".

The situation in Libya once again highlights the vicious cycle of impunity and instability. That reality compels us to provide answers to the challenges facing us in Libya. Those challenges cannot be overcome without the effective assistance of the Court and the support of the Security Council.

Ms. Schoulgin-Nyoni (Sweden): I would like to begin by thanking the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her, as always, comprehensive briefing to the Security Council. Let me also take this opportunity to reiterate, as stated by our Foreign Minister, Ms. Margot Wallström, our condemnation of the attack on 2 May against the Libyan High National Electoral Commission. We repeat our

firm support for the United Nations-facilitated political process in Libya and for the efforts of the Special Representative of the Secretary-General, Mr. Salamé.

There have been positive developments on the issue since the previous briefing by the Prosecutor in November 2017 (see S/PV.8091). That includes a visit by the Office of the Prosecutor to Libya in March. We appreciate the support provided to the Office of the Prosecutor by the United Nations Support Mission in Libya and Special Representative Salamé, as well as the Libyan General Prosecutor's Office. The ongoing cooperation to support further investigative activities in Libya is essential and should be continued.

We deeply regret that all arrest warrants issued by the ICC in relation to Libya remain outstanding and that none of the suspects have been handed over to the Court since our previous briefing six months ago. We note that INTERPOL has now issued a red notice regarding Mahmoud Al-Werfalli. We support the Court's call on Libya to cooperate with the Office of the Prosecutor and to immediately arrest and hand over the suspects. It is imperative that further crimes be prevented. Ensuring accountability for perpetrators would underscore that impunity for crimes in Libya will not be tolerated.

Cooperation with the Libyan General Prosecutor's Office, the Libyan authorities, States parties to the Rome Statute, States Members of the United Nations and all other relevant entities is crucial in order to assist the Office of the Prosecutor in fulfilling its mandate. Libya and all States parties are under an obligation to cooperate with the Court and the Office of the Prosecutor.

The efforts that have been made by the Prosecutor to integrate a gender perspective throughout the Office of the Prosecutor's investigations and reports is welcome. We note that the gender perspective was not included in the most recent report. We wish to stress the importance of it being considered in future reports.

We welcome the Office's efforts to investigate the ongoing situations and cases and to monitor closely the ongoing situation throughout Libya. That work is crucial and necessary, since the situation remains volatile and insecure. Reports of violations of international humanitarian law and violations and abuses of human rights must be investigated and those responsible must be brought to justice. We remain concerned about the continued reports of grave human rights violations, including with regard to the situation of migrants. As the Prosecutor notes, there are continuing worrying reports of slave auctions in Libya. Those reports must be fully investigated. We support the efforts of the Libyan General-Prosecutor's Office to combat impunity for crimes related to migrants, as well as the active engagement, in the spirit of complementarity, of the Office of the Prosecutor with the national authorities in relation to crimes committed. We also support the Office of the United Nations High Commissioner for Human Rights.

In order to successfully carry out its functions, including those asked of it by the Security Council, the Office of the Prosecutor needs our full support — both political and financial. In that regard, we repeat our call for sufficient financial funding for the Office's work on the Libya situation.

In conclusion, we reiterate our sincere appreciation for the valuable work and tireless efforts of the Court and its officials in all organs. The work of the Office of the Prosecutor continues to make a significant contribution to accountability for the perpetrators and to justice for the victims of serious crimes of international concern.

Ms. Córdova Soria (Plurinational State of Bolivia) (*spoke in Spanish*) My delegation welcomes the report presented by the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, and we firmly support the important work that she and her team are doing. We also greatly appreciate the work that the International Criminal Court has been doing since 2011 pursuant to the referral in resolution 1970 (2011). We reiterate that its effective implementation depends on the full cooperation of all actors on Libyan territory and the international community in general. In that regard, we call on the Libyan Government of National Accord, the parties involved, the countries of the region and regional organizations to make every effort to cooperate so that the Office of the Prosecutor can carry out its investigative work. We also reiterate that, in order to avoid impunity, all States, whether or not they are parties to the Rome Statute, have primary responsibility for taking action and helping to facilitate the Court's investigations.

We take due note of the report and the activities of the Office of the Prosecutor during the reporting period. We are extremely concerned about the incidents and irregularities surrounding the case of Mahmoud Al-Werfalli, who is the subject of an arrest warrant issued by the International Criminal Court on

15 August 2017, and who, according to reports from the Libyan National Army, was arrested and placed under investigation by a military prosecutor. However, the Prosecutor's report indicates that Mr. Al-Werfalli has continued to serve as a commander in the Libyan National Army's Al-Saiqa Brigade and was involved in new summary executions at the beginning of this year in Benghazi. We also continue to be disturbed by reports of extrajudicial executions, murders, arbitrary detentions and armed clashes during the reporting period, especially as more than 240 people were killed in the first two months of this year in crossfire and more than 3,600 displaced from areas where fighting has intensified.

We again note with concern repeated reports of sexual violence and harassment used as a tactic of warfare between the parties and against innocent civilians, as well as reports of violations of migrants' rights. Investigations by the Office of the Prosecutor can not only determine who is responsible but in the case of crimes against humanity can also invoke the jurisdiction of the Court to try them. The attack allegedly perpetrated by the Islamic State in Iraq and the Levant on the Libyan High Commission for National Elections on 2 May is a clear signal that the investigations by the Prosecutor's Office should be expanded to include such criminal acts. Considering all of this, we strongly urge the parties involved to seriously commit to the work of the Court and cooperate with it so as to prevent continued impunity. We reiterate that all incidents contrary to international criminal law are subject to investigation in order to identify and punish those responsible.

My delegation would like to highlight the collaboration and assistance provided by the United Nations Support Mission in Libya to the Office of the Prosecutor, which after five years has now been able to conduct on-site investigations, and we take this opportunity to encourage the Mission to actively continue that cooperation. We also reaffirm that the International Criminal Court is a global undertaking, in the interest of all States, and its mission is intrinsic to strengthening international criminal justice, peace and security, respect for human rights and guarantees of due process.

Accordingly, as we celebrate the twentieth anniversary of the Rome Statute this year, we should take this opportunity to reflect on the Court's effectiveness and whether the model, as conceived, meets expectations of cooperation and universality. As we have said before, the Security Council and the membership of the United Nations in general should cover the costs incurred by the International Criminal Court in conducting the investigations and prosecutions within its jurisdiction, especially since several States, including permanent members of the Security Council, are not party to the Statute and do not contribute to those investigations.

Finally, my delegation reiterates its concern about the public complaints about the performance of former authorities of the Office of the Prosecutor of the International Criminal Court, which are specifically related to the ongoing investigations in Libya. With that in mind, and in view of the integrity and transparency that international tribunals must have, we believe that it is time that the Office of the Prosecutor gave a public account of the scope and reliability of those statements in its next report, since the integrity of the Court is essential to ensuring its credibility and effectiveness before the international community.

Mr. Djedje (Côte d'Ivoire) (*spoke in French*): My delegation would like to thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her biannual briefing on the Court's activity on cases relating to the situation in Libya.

The difficulties encountered by the Prosecutor in executing various arrest warrants show the complexity of the situation in Libya, as well as the need for continued support from the international community for the ICC's efforts to combat impunity following the events in 2011, the negative effects of which continue to destabilize the entire region. For its part, Côte d'Ivoire, as a State party to the Rome Statute, reaffirms its full support for the efforts of the International Criminal Court to promote international justice and combat impunity both in Libya and throughout the world.

Seven years after the official end of the Libyan conflict, the proliferation of armed groups throughout the country has led to a situation in which abuses and other serious human rights violations have become recurrent. These armed groups, which continue to be the main perpetrators of the violations, act with total impunity, including for the most serious crimes, such as abductions, torture, extrajudicial executions and the sale of slaves in Libyan markets, which constitutes a crime against humanity. In that regard, my delegation welcomes the Prosecutor's decision to consider the

possibility of extending the ICC's jurisdiction to crimes committed against migrants, and we continue to support the inclusion of persons or entities engaged in such trade on the sanctions list of the Committee established pursuant to resolution 1970 (2011) on Libya.

In view of the alarming situation, the international community should support the efforts of the Libyan Government to disarm armed groups and re-establish State authority throughout the country in order to restore peace and stability to Libya. Strengthening Libyan institutions' capacities should be a major priority so that they can honour their commitments in terms of promoting and protecting human rights and, ultimately, as part of the fight against impunity, establish a system of accountability for perpetrators of serious violations of those rights. In that regard, Côte d'Ivoire reiterates its full support for Special Representative Ghassan Salamé's action plan for Libya, with the aim of advancing the national reconciliation process and laying the foundations for lasting stability and peace through an inclusive democratic process. We also welcome the broad public consultations conducted by the United Nations Support Mission in Libya throughout the Libyan territory to enable the people to become involved in the peace and reconciliation process.

My delegation urges all actors in Libya to overcome their differences and to commit resolutely to a credible political process that will lead the country to free, transparent and democratic elections, which are a prerequisite for the establishment of the rule of law in the country.

Despite the extremely precarious security situation, as demonstrated by the most recent suicide attack on the headquarters of the High National Elections Commission on 2 May, which killed approximately 10 people and injured several others, my country encourages the Prosecutor to continue her efforts to successfully complete the various investigations under way in Libya. In that respect, my country welcomes the cooperation of the Libyan authorities, which facilitated the Prosecutor's Office first mission to Libyan territory. This cooperation is important in order to follow through on the various arrest warrants issued by the Court and thereby put an end to the long period of impunity in Libya by enabling the Court to fulfil the mandate conferred on it by the Security Council.

In conclusion, my country wishes to reiterate its encouragement to the Office of the Prosecutor with respect to the work that it is carrying out despite the many difficulties that the Prosecutor has just described to us. We urge the international community to provide the Prosecutor all the support necessary to the success of her mission.

Ms. Gregoire Van Haaren (Netherlands): On behalf of the Kingdom of the Netherlands, I would like to express our sincere thanks to the Prosecutor, Ms. Fatou Bensouda, for her fifteenth report and comprehensive briefing on the situation in Libya.

The Kingdom of the Netherlands has long been a firm supporter of the International Criminal Court (ICC). The ICC is a key institution when it comes to accountability for the perpetrators of the most serious crimes of international concern, and we have found the Prosecutor to be a key ally in this endeavour. I would like to echo the words that she just spoke — that justice, peace and stability form a trinity — and to thank her and her Office for their unwavering commitment to bringing justice to the victims of atrocities in Libya, and also, as a part of this trinity, to working towards the achievement of peace and stability in the country.

Allow me to focus on three important aspects: the security and human rights situation in Libya; cooperation with the Court; and combating impunity.

First, we are deeply worried by the volatile security and human rights situation in Libya. Civilians continue to be the main victims of the ongoing conflict. The situation of internally displaced persons and migrants, especially those held in detention centres, gives particular cause for concern.

We welcome the work of the Prosecutor in relation to alleged crimes against migrants. We welcome in particular her collaborative efforts with States and organizations, in conformity with strategic goal 9, as well as her efforts to determine whether these crimes fall within the jurisdiction of the Court.

The Kingdom of the Netherlands remains ready to employ all means available to combat abuses against migrants and stabilize Libya, including through targeted sanctions, which can complement and strengthen criminal prosecution.

Secondly, on cooperation with the Court, for the Office of the Prosecutor to fulfil its mandate, the full cooperation and assistance of the Libyan authorities is essential. In this respect, we would like to commend the successful cooperation between the Office of the

Prosecutor and the Libyan Prosecutor-General's Office, which has resulted in the Office's first mission to Libya in more than five years. However, greater cooperation is needed from all States and the Council, especially in relation to the surrender of suspects to the Court.

In particular, like others, we regret that Mr. Al-Werfalli, commander of the Libyan National Army's Al-Saiqa Brigade, and other suspects have not been arrested and brought to The Hague, especially considering that Mr. Al-Werfalli has allegedly committed more murders since the last report on the situation in Libya (see S/PV.8091). This shows that lack of accountability encourages the repetition of crimes, as perpetrators feel free to commit further offences without fear of punishment. We find it alarming that Mr. Al-Werfalli was reportedly released after just one day in custody. That he remains at large shows disregard for the Council and for the international community as a whole.

We urge all relevant entities to fully cooperate with the Court to ensure the immediate arrest and swift surrender of all those against whom an arrest warrant has been issued. Moreover, it is essential that the Council abide by its financial obligations and facilitate adequate United Nations financial funding for the Office's work in Libya.

Thirdly, on combating impunity, this year marks the twentieth anniversary of the Rome Statute. Twenty years ago, we were full of hope and confidence that we had turned a new page, that impunity would be targeted successfully and that this international approach of accountability would set a universal norm. Today, however, the picture is more grim. There are still many situations outside the Court's jurisdiction, with Syria being the most visible, and the Council is all too often paralysed and does not take adequate action.

We appreciate the efforts of the Prosecutor to make full use of the options she has at her disposal, including requests to the ICC for the exercise of jurisdiction over the alleged deportation of people to neighbouring countries.

If the Court has the ability to scrutinize situations all around the world, justice can be brought to those who are in need of it. We therefore urge all States to become State parties to the Rome Statute. Until that is the case, the Security Council needs to take responsibility for referring situations to the Court.

The Kingdom of the Netherlands stands firmly by the Prosecutor's side in her fight against impunity. Together, if all of us are fully committed to this common goal, we can make accountability happen for Libya and all around the world.

Mr. Zhang Dianbin (China) (*spoke in Chinese*): I wish to thank Ms. Bensouda for her briefing.

China is deeply concerned at the developments in Libya and supports all efforts conducive to stabilizing the situation there, promoting a political settlement of the Libyan issue and combating terrorism. We support the United Nations in its efforts to continue to advance the relevant plan of action and increase the use of its good offices. China firmly supports the Libyan people in the maintenance of national accord and unity. We hope that the Libyan parties will remain committed to the political settlement process, which is Libyan-led and -owned, engage in inclusive dialogue so as to move towards one another, resolve their differences and strengthen mutual trust through negotiations so as to find a settlement that accommodates the interests of all parties.

The advancement of national reconciliation, the restoration of State governance and the early realization of peace, stability and development in Libya constitute a prerequisite and the foundation for the realization of justice in Libya. The international community must continue to respect the unity, sovereignty and territorial integrity of Libya and continue to provide various forms of support and assistance to the country.

China's position regarding the International Criminal Court remains unchanged.

The President: I shall now make a statement in my capacity as the representative of Poland.

I wish to thank Ms. Fatou Bensouda for presenting the fifteenth report of the Prosecutor of the International Criminal Court (ICC). The conclusion of the report highlights the need for States, non-State actors, international organizations and other stakeholders to work with the ICC and help it to exercise its mandate. Poland appreciates all such efforts, including the ICC's cooperation with the United Nations Support Mission in Libya (UNSMIL) and Libya's Prosecutor-General, which, among other things, has enabled the Office of the Prosecutor to send its first mission to Libya in five years. We want to express our deep appreciation to the Office's staff, who took on this task despite its

inherent risks, and we hope that more such missions will be possible and carried out successfully. Poland also welcomes Prosecutor Bensouda's declaration that the investigations being conducted by the Office of the Prosecutor are making progress and could potentially lead to new arrest warrants being issued. We hope this will help deter further crimes. We would also like to commend some of UNSMIL's other actions, as described in the Secretary-General's report of 12 February (S/2018/140). We consider them an important contribution to improving the situation in Libya. Special thanks are due to Special Representative Ghassan Salamé for his involvement on the ground. We encourage all Libyan parties to support the United Nations-backed political process and work for a more peaceful situation in Libya.

It is also thanks to initiatives undertaken under the auspices of the United Nations that more than 350,000 people have been able to return to Libya, with the vast majority of them able to reclaim their homes. However, more than 150,000 people are still internally displaced, mainly due to the threats posed by armed conflict or the presence of military groups. We are also very concerned about the ordeals that detainees and migrants in Libya have suffered. As of today, there are more than 700,000 migrants on Libyan territory, of whom 52,000 have applied for asylum. It is estimated that more than 4,000 are being kept in detention centres, and the reports on their condition are shocking. Migrants are victims of violence, including sexual harassment; they are tortured; they are exploited as a labour force and some have even been killed. We join the appeal for an end to all atrocities in Libya, particularly against migrants and detainees, and for respect for human rights.

Poland welcomes all efforts aimed at improving the situation in Libya and bringing about peace and the rule of law, including the efforts of the Office of the Prosecutor, as well as those of other international and local actors. To that end, we remain fully committed to cooperating with the Court on bringing to justice the individuals suspected of committing international crimes mentioned in the report, including the necessity of transferring them to the Court, and we appeal to other States to do the same. It is up to the International Criminal Court, the entire international community, including the Security Council, and Libya's stakeholders to hold to account those suspected of committing international crimes there. The success of that endeavour will have a bearing on the country's future. Let us do everything we can to contribute to it.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Libya.

Mr. Elmajerbi (Libya) (*spoke in Arabic*): I would first like to congratulate you, Madam President, on your assumption of the presidency of the Security Council for this month. I would also like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing.

For Libya's Government of National Accord, administering justice and preventing impunity are central to national reconciliation, which requires support from the United Nations and from the countries that are our friends and brothers. We also affirm that the ICC is an important and essential partner for us in achieving justice during this period. The memorandum of understanding concluded in 2013 between the Prosecutor of the ICC and Libya's Prosecutor-General solidified the partnership and complementarity between Libyan justice and the ICC on cooperation with the Prosecutor-General's Office on a number of requests for support in its investigations, as the Prosecutor mentions in paragraph 30 of her report.

We are aware of the delays that have occurred with regard to prosecuting the accused, but they do not mean that our national justice is unwilling to investigate and punish the perpetrators of crimes. They have more to do with the security situation in Libya, which has prevented the Office of the Prosecutor of the ICC from conducting investigations on Libyan territory. In that regard, we want to emphasize that while our national judiciary has honoured its commitment to bringing justice and strengthening the rule of law, it is in urgent need of assistance from the international community in order to help the Libyan authorities emerge from the country's security crisis and enable them to ensure the success of the political dialogue. In order to achieve that, we will have to intensify our efforts to unify and restore our security institutions and rebuild our State institutions, so as to enable them to strengthen peace and security, deal with the factors that lead to potential violations and confiscate the tools used to commit crimes, particularly firearms. That will undoubtedly help to strengthen the capacity of Libyan justice to ensure the prosecution of those responsible for crimes and to prevent additional

crimes, particularly considering the proliferation of arms among militias and those outside the law.

We understand the Prosecutor's concern about the reports of incidents of the arbitrary detention and abuse of migrants. We recognize migrants' rights and are aware of the degree to which they have suffered, owing to the unstable security situation and the proliferation of militias and weapons in Libya. However, the reports of the Prosecutor, the United Nations Support Mission in Libya and other relevant organizations seem to emphasize crimes and violations in Libya without, however, acknowledging the problems of trafficking in persons and other atrocity crimes against migrants, and ignoring the issue of human trafficking, which is one of the most heinous crimes perpetrated by criminal transnational networks. Those crimes must be combated in accordance with international humanitarian law and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, known as the Palermo Convention, and the relevant Security Council resolutions. We hope that future reports will mention the proceedings that are being undertaken to fight such criminal networks in their countries of origin and destination. We all know that my country is one of transit, and that our security situation is unstable. Without the presence of these criminal networks in their countries of origin and destination, we in the countries of transit would not be dealing with these kinds of violations.

In conclusion, the Government of National Accord is determined to punish the perpetrators of every crime and to combat impunity, in accordance with the principle of territorial sovereignty and the primacy of the law. Our national jurisdiction is very important to the Libyan authorities, but that certainly does not mean that they do not respect the decisions of the ICC. On the contrary, the Court obliges our authorities to take on their responsibility for prosecuting the criminals. Libyan justice is independent and has integrity, and it is also focused on achieving social justice. In that regard, a memorandum of understanding on criminal justice was concluded in April between the United States and Libya, aimed at strengthening the capacities of professionals in the justice sector in order to enable Libya to meet its obligations in this area. In that regard, the Libyan authorities hope to see greater support from the international community aimed at enabling the rebuilding of the security and administrative situation and launching efforts that can help to strengthen the rule of law. We also hope to increase cooperation and complementarity with the ICC, while respecting Libyan sovereignty and our national legislation.

The meeting rose at 11.40 a.m.